

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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STANDARD INSURANCE COMPANY,

Case No. 2:19-CV-1704 JCM (NJK)

Plaintiff(s),

V.

JEAN E. BATES and RACHAEL MENGES.

ORDER

Defendant(s).

Presently before the court is plaintiff Standard Insurance Company’s (“Standard”) stipulation for dismissal. (ECF No. 21). Standard and defendant Jean E. Bates “stipulate and agree that this action shall be dismissed with prejudice.” *Id.* Standard’s stipulation makes no mention of defendant Rachael Menges.

Ms. Menges waived service on November 1, 2019. (ECF No. 5). Pursuant to a stipulation between the parties (ECF No. 19), Ms. Menges's answer was due January 17, 2020 (ECF No. 20). To date, Ms. Menges has not appeared in this action.

Before the court can close this case, Standard must file a notice of dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i) (“[T]he plaintiff may dismiss an action without a court order by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment[.]”).

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Standard shall file a notice of dismissal or a motion for entry of clerk's default as to defendant Rachael Menges on or before January 31, 2020.

DATED January 24, 2020.

Xenia C. Mahan
UNITED STATES DISTRICT JUDGE